



**JUST WAR THEORY AND THE  
RIGHT TO UNIVERSAL  
HEALTHCARE: ANALYSING THE  
INTERNATIONAL HUMANITARIAN  
LAW IN LIGHT OF GLOBAL  
PANDEMICS**

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**INTRODUCTION**

The just war theory, majorly a Christian philosophy tries to reconcile 3 things:

- Taking human life is seriously wrong.
- States have an obligation to defend their citizens and defend justice.
- Protecting innocent human life and defending necessary ethical values generally needs the willingness to use force and violence.

The theory specifies conditions for deciding if it's simply to travel to war, and conditions for the way ought to be fought. The aim of Just War Theory is to supply a guide to the proper means for states to act in potential conflict things.

The original just war philosophy is in fact solely a remote relative to the contemporary just war theory. As a philosophy it is a ragtag collection of views, prescriptions, and traditions, a venture of the theologians, philosophers, canonists, jurists, and practitioners. The previous philosophy had 3

major sources: Theology of the centre ages, humanitarian law, and trendy philosophy of law. The system supply is comprised of Augustine, Humanitarian Law – by the body of the jus in Bello norms. The philosophical supply is provided by the sequential line of thinkers from Suarez to Kant.

COVID-19 has proved to be more than a war against Humankind as the damages caused by the pandemic are way greater than damages caused by World War - II. This pandemic has wrecked and erased millions and billions of people from the planet. In India, suggestions have been coming up for setting up a war-room for every state, which would be storing the emergency medical kits and services.<sup>1</sup>

Similarly, the world-known brand - Louis Vuitton has started the manufacturing of hand sanitizers with the alcohol that was earlier used by them in the manufacturing of perfumes, just like the big companies, during the World War - I and World War - II, had begun the manufacturing of arms, ammunition, ships and tankers, bombers and other war-related items to boost and support the wartime economy.<sup>2</sup>

International Humanitarian Law has released guidelines in order to tackle the COVID-19 situation, which only releases safety measures when there's a war-like situation or ongoing war. IHL deals with wars and armed conflict issues and not medical or virus issues, this proves that at an extent this pandemic is no more an epidemic situation, but a war against enemy COVID- 19.<sup>3</sup> This

<sup>1</sup> Gajendra Haldea, *Coronavirus crisis: For survival, fight Covid-19 pandemic like a war*, Financial Express, (July 13, 2020, 1. 56 P.M.) <https://www.financialexpress.com/lifestyle/health/coronavirus-crisis-for-survival-fight-covid-19-pandemic-like-a-war/1972778/>.

<sup>2</sup> Adrienne Bernhard, *COVID 19-What we can Learn From wartime efforts*, BBC, (July 13, 2020, 1.45

P.M.)<https://www.bbc.com/future/article/20200430-covid-19-what-we-can-learn-from-wartime-efforts>.

<sup>3</sup> ICRC, *IHL Rules on Humanitarian Access and Covid-19*, ReliefWeb, (July 13, 2020, 2.16 P.M.) <https://reliefweb.int/report/world/ihl-rules-humanitarian-access-and-covid-19>.



epidemic demands safety precautions alike an ongoing war or global emergency and the front line doctors are the warriors risking their lives and saving the world from the cruel virus.

This global emergency has caused everybody to stay locked inside their homes, also this has forced a temporary ban on travel and tourism which even the biggest wars haven't experienced. So, let's understand the gravity and cruelty of the virus and maintain social distancing!

### DEVELOPMENT

The Christian tradition of simply war theory began within the fifth century with theologist Augustine's read of justice in warfare may be summed up by his statement that, "We don't obtain peace so as to be at war, however, we have a tendency to head to war that we have a tendency to could have peace. Be peaceful, therefore, in warring, so you will beat those whom you war against, and produce them to the prosperity of peace."

In the thirteenth century, Thomas Aquinas designed on and enlarged Augustine's thought on justice and warfare. Later Christian thinkers have additional significance and comment on the just war theory; however, the most principles have a tendency to still use these days those derived from Augustine and Aquinas.

Just war theory manages the legitimization of how and why wars are fought. It can either have theoretical or historical justification. The hypothetical viewpoint is concerned about morally justifying war and the structures that fighting might possibly take. The historical viewpoint, or the "just war custom," manages the verifiable assortment of decides or understandings that have been applied in different wars over the ages.

The theory proposes a series of principles that aim to hold a reasonable moral framework for war. The series include *Jus ad Bellum*, *Jus in Bello*, and *Jus post-Bellum*. Under international law, we look into all these aspects before, during, and after the war.

### JUS AD BELLUM

The literal meaning is "right to war". It is a set of criteria that are to be consulted or looked into before actually resorting to war to determine whether entering into war is the right decision and is permissible, that is, is it just a war

The six criteria that must be satisfied can be further be explained like:

- 1.) Having just cause: - there must be a just and reasonable cause for going to war, in the effect of like self-defence, protecting the innocent, defence of others, or punishment for grievous wrongdoing.
- 2.) Right intention: - the good caused by the war must be greater than the destruction and death and thus it should only be fought for the just cause.
- 3.) Proper Authority and public declaration: - A war cannot be done in secret and it can only be launched by the correct governing body of the country.
- 4.) Last resort: - Waging a war should be the last reasonable and workable option left for addressing the problem.
- 5.) Probability of success: - An impact must be likely to avoid unnecessary bloodshed.
- 6.) Proportionality: - war should only be waged if the universal goods outweigh the universal evil.

Because these criteria are very open-ended and it is on the interpretation and justification it is often a matter of contention among countries waging war, so as to decide whether the grounds have been satisfied before the war has been declared or not.



### JUS IN BELLO

Jus in Bello is a set of rules governs what happens once the war has begun. The main function of this law is to govern how a war has to be fought without a prejudice considering the fact that how or why they had begun. In rules to be followed which are: -

- 1.) Weapons prohibition: - No chemical or biological weapons are allowed.
- 2.) Non- Combatant Immunity: - Innocent civilians should not be harmed intentionally.
- 3.) Proportionality: - Excessive force, or force greater than needed is forbidden.
- 4.) Prisoners of war: - prisoners of war will not be subjected to any kind of cruel punishment, they should be treated as normal prisoners.
- 5.) No means that are evil in themselves are allowed. Examples include genocide, distinguishing soldiers as doctors, etc.
- 6.) No Reprisals: - If the other side breaks the rules it does not mean that you get to break it too.

The International Committee of the Red Cross (ICRC) and many intellectuals wishing to stress the positive, call it International Humanitarian Law (IHL) to highlight their goal of mitigating the excesses of war and shielding civilians and other non-combatants.

### JUS POST BELLUM

The just war theory majorly revolves around the two principles of war concerning the beginning and continuation of war, but what after the war has ended? This is a major question that always concerns the international authority for humanitarian laws. There are few criteria described which have to be met in order to be just. They are: -

- 1.) Proportionality and Publicity: - Settlement should be public and should not be about revenge.

2.) Rights Vindication: - Most importantly the crimes that triggered the just war should be remedied.

3.) Discrimination:- The civilians should not be punished for the acts of the government.

4.) Punishment: - Fair punishment should be meted out for leaders that endorsed war crimes, soldiers that committed war crimes from both sides of the conflict.

5.) Compensation: - Financial restitution is okay, but a tax on civilians is not allowed.

6.) Rehabilitation: - Transformation of the aggressor regime, demilitarization, human rights education, etc. This is really important and the most controversial one.

The problem with all of these criteria is that "History is written by the victors" and whoever wins the war generally decides most of the things. It is very difficult for the other side to object unless one has a very nice and objective international community.

### MORAL CONFLICT

A war is only just if it is fought for a reason that can be justified, and that carries sufficient **Moral grounds**. States who voluntarily starting military aggression by use of force must demonstrate that there is a "just cause" to do so.

However, both civil war and armed conflict between two countries are mostly escalated to prevent wrongs and ill-treatment, which may be considered as just war.

**Example-** When there is a massacre going on inside a state or when a government is massacring some minority or maybe even not a minority a majority of its citizens like the way the Cambodian Khmer Rouge regime did that it is just to go in and stop it by force if necessary, so those are the just occasions of war.

There is also justice in war "Jus in Bello", (Justice in the conduct of war) and that hangs



mostly on issues of non-combatant immunity of discrimination of attacking only other soldiers so it hangs on a very old idea that war is a combat between combatants from which non-combatants should be shielded, non-combatants means women and children, old men, medical personnel, religious officials and the merchants who sell weapons to both sides were in some account treated as non-combatants whom nobody should attack, but basically it also means the civilian population should not be subject to attack in war.

### **PROBLEMS WITH THE THEORY**

Some people give following justification against the theory of just war- Stronger has monopoly- There is an argument that a strong country violates all rules and regulations in war, while give lectures to the weak countries to abide by international law. Thus, weak countries should do whatever they can, and wage war by realism and relative strength, and should not revolve around a legal document.

Useless in Modern day conflicts- It is being said that "just war theory", has nothing to do with modern day warfare and there is no place for ethics in war, as countries today possesses mass killing weapons such as nuclear, biological and chemical weapon which ultimately downgrade the morality of war.

Ruthless to terrorists -This theory does not suit the ideology for terrorists, as abiding by such theories handicaps the victim of terror attack.

### **GROWTH OF RIGHTS OF WAR PRISONERS UNDER JUST WAR THEORIES**

Prisoner of war (POW), a person captured or interned by a belligerent power during war.

Within the rigid sense it's applied only to members of regularly organized soldiers, but by broader definition it included guerrillas, civilians who take up arms against an enemy openly, or non-combatants related to a military unit . Within the first history of warfare there was no recognition of prisoner of war, for the defeated enemy was either killed or enslaved by the victor. The women, children, and elders of the conquered tribe or nation were frequently disposed of in indistinguishable fashion. The detainee, whether or not an agile belligerent, was completely at the mercy of his conqueror, and if the prisoner survived the battlefield, his existence was dependent upon such factors because the supply of food and his usefulness to his captor. If permitted to measure, the prisoner was considered by his captor to be merely slightly of movable property, a chattel. During religious wars, it had been generally considered a virtue to place nonbelievers to death, but within the time of the campaigns of Caesar a captive could, under certain circumstances, become a freedman within the Roman Empire. As warfare changed, so did the treatment afford captives and members of defeated nations or tribes. Enslavement of enemy soldiers in Europe declined during the centre Ages, but ransoming was widely practiced and continued whilst late because the 17th century. Civilians within the defeated community were only infrequently taken prisoner, for as captives they were sometimes a burden upon the victor. Further, as they weren't combatants it had been considered neither just nor necessary to wish them prisoner. the event of the utilization of the mercenary soldier also attended create a rather more tolerant climate for a prisoner, for the victor in one battle knew that he might be the vanquished within subsequent. As



warfare changed, so did the treatment afford captives and members of defeated nations or tribes. Enslavement of enemy soldiers in Europe declined during the centre Ages, but ransoming was widely practiced and continued whilst late because the 17th century. Civilians within the defeated community were only infrequently taken prisoner, for as captives they were sometimes a burden upon the victor. Further, as they weren't combatants it had been considered neither just nor necessary to wish them prisoner. the event of the utilization of the mercenary soldier also attended create a rather more tolerant climate for a prisoner, for the victor in one battle knew that he might be the vanquished within subsequent. within the 18th century a replacement attitude of morality within the law of countries, or law of nations , had a profound effect upon the matter of prisoners of war. The French political philosopher Montesquieu in his L'Esprit des lois (1748; The Spirit of Laws) wrote that the sole right in war that the captor had over a prisoner was to prevent him from doing harm. The captive wasn't to be treated as slightly of property to be disposed of at the whim of the victor but was merely to be away from the fight. Other writers, like Rousseau and Emerich de Vattel, expanded on an equivalent theme and developed what could be called the quarantine theory for the disposition of prisoners. From now on the treatment of prisoners generally improved.

### **WAR PRISONERS: GOVERNANCE AND REALITY**

*"It's always the fear of the unknown"*

K.

Nanda Cariappa, Retired Air Marshal  
In 1906, the government of Switzerland made arrangements for a conference between

thirty-five states to look into the areas for improving the propositions of the First Geneva Convention. In the amendments so introduced, there were provisions regarding the protection of the ones wounded or captured in battles as well as volunteer agencies and other medical professionals involved in the process. Recommendations regarding making repatriation of belligerents were proposed instead of making it mandatory.

However, after the First World War, the necessity for further amending the pre-existing provisions was felt. Therefore, in 1929, newer provisions were introduced so that all prisoners of war could be treated with compassion and be allowed to live in humane conditions. Rules regarding the daily lives of prisoners were also laid down, and the establishment of the International Red Cross as a neutral organisation meant to collect and transmit data about prisoners of war and those wounded or killed in the process.

In this regard, the 'prisoners of war' must be defined. It has been put down in words in Article 4 (A)(1) of the Third Geneva Convention which is related to the Treatment of Prisoners of War [GC (III)]. They are defined as a person or persons captured or interned by a belligerent power during a war. It is, mostly, applicable to members of the armed forces, but they may include civilians who take up arms during a combat openly against an enemy, or non-combatants who are associated with military forces.

In recent times, the Indian Air Force Wing Commander Abhinandan Varthaman was captured by Pakistan after the incident of air strikes between India and Pakistan. While some argue that Wing Commander Varthaman was entitled to receive treatment as a prisoner of war, in the legal sense of the term there was no declaration of war by either



of the states involved. To answer that, reference may be made to Article 2 of the Geneva Conventions which clearly states that the provisions of this Convention “shall apply to all cases of declared war or to any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognised by one of them”.

Overall, the whole point behind laying special emphasis on the treatment of prisoners of war is that those detained in armed conflicts must be treated with humanity irrespective of their allegiance, which is laid out in GC (III). These humane standards are something which is worth fighting for.

#### **RIGHTS, REPATRIATION AND RELEASE**

According to the Geneva Convention POWs cannot be prosecuted for taking direct part in the hostilities as their detention cannot be treated as a form of punishment, they are detained only with an aim to prevent further participation in the conflicts. Also, there are some disciplinary sanctions that are provided to these prisoners of war. Firstly, according to Article 118 they shall be released and repatriated without delay after the cessation of active hostilities. On repatriation any article of value impounded from them under Article 18, and any foreign currency which has not been converted into the currency of detaining power shall be restored to them. Prisoners of war against whom criminal proceedings are pending, can be detained till the end of the proceedings or till the completion of their punishment. The same is applicable for those who were already convicted for an indictable offence and were sentenced to punishment depriving them of liberty. The Geneva Convention also lays down the rights of the Prisoners of War as it

is considered that a crime cannot reduce a person into a non-person, so he is entitled to all those rights that are provided to a non-prisoner. First and the foremost right is Right to be Treated humanely in all types of circumstances. They shall be protected against any kind of violence, as well as intimidation, insults and public curiosity. Any unlawful act or omission by the detain power which can cause death or any serious injury endangering the health of the prisoner in custody is prohibited. The International Humanitarian Law also laid down some minimum conditions of detention that cover issues like accommodation, food, clothing, hygiene, medical care of the prisoners etc. They should be respected in all circumstances. No prisoner of war may be subject to physical mutilation or medical or scientific experiments of any kind that are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest. The women should be treated in the same manner as men are treated. There should not be inequality in treatment on the basis of gender, sex, etc. Every prisoner of war when questioned on any subject, is bound to provide only his surname, first name, rank, date of birth, personal or serial number etc. If he refuses to answer the questions, he cannot be threatened, insulted or exposed to any unpleasant treatment of any kind and also the detaining powers cannot coerce or torture him to secure the information.

#### **INTERNATIONAL HUMANITARIAN LAW AND COVID-19: RIGHT TO UNIVERSAL HEALTHCARE**

While all human activities have basically paused around the world due to Covid-19, places such as Yemen, Syria, Congo, and South Sudan, have not seen much of a



slowdown in military activity. The number of people in armed conflicts, enfeebled by years of fighting in wars, devastations, erosion of basic services (like food, health, educations), and displacement, are especially vulnerable to the spread of Covid-19 in the current pandemic. Most of the people depend on the humanitarian relief for their own survival and those people are the populations under siege or cut off from basic services that are needed for them to live, detainees, and displaced persons. As nations take measures to avoid the spread of Covid-19 (such as restrictions on international travel, social distancing), freedom of movement of humanitarian workers, transport of medical equipment, medicines and other goods, and humanitarian operations are hindered, leaving some people without support and help. Finding an equal balance between the legitimate right or duty of States to protect and ensure the public health and well-being, and the requirement for humanitarian relief and access by impartial humanitarian organizations is much awaited and this is thing is done by International humanitarian law (IHL) or also called the law of armed conflict and under this, IHL provisions give parties to the conflict, third States and international humanitarian organizations significant ground rules to guide the dialogue on humanitarian access and the provision of humanitarian activities, including when a pandemic, like Covid-19, erupts in times of armed conflict. IHL rules governing humanitarian access, in conjunction with general international law, set a framework of laws for what each party may and may not do while striking an equitable balance between

health necessities, military essentials, and humanitarian action.<sup>4</sup>

### **PROTECTION OF RIGHT UNDER IHL:** **Medical personnel, facilities, and transport**

As shown by the outbreak of Covid-19, what is the necessity now? Sufficient staff and well-equipped medical facilities are necessary for providing medical care on a large scale. Under International Humanitarian Law or for that matter under any circumstance, medical personnel, units, equipment and transports exclusively allocated to medical purposes must be duly respected and protected under all situations. There must be an assurance and maintenance of medical hospitals and establishments by the occupying power in the occupied region. Also, protecting services and ensuring good public health and hygiene is the sole motive of IHL in the current scenario. In addition to this, IHL has also given the possibility of setting up hospital zones for the diseased that may be purely dedicated to addressing the current pandemic. All these provisions are explicitly stated in Rules 25, 26, 28, 29, and 35 ICRC Customary IHL.

### **Water**

Though the earth's territory is covered with 70% of water, still there is a crisis for potable water in many parts of the world. Clean Water supply is one of the most important jobs at this time. In wars and armed conflicts, all the installations which were made for providing potable water to the people were destroyed by fighting over decades.<sup>5</sup> Any interruption with water supply means that

<sup>4</sup> IHL Rules on Humanitarian Access and Covid-19, relief web, (Apr 8, 2020), <https://reliefweb.int/report/world/ihl-rules-humanitarian-access-and-covid-19>.

<sup>5</sup> COVID-19 response in conflict zones hinges on respect for international humanitarian law, ICRC, (Apr 16, 2020), <https://blogs.icrc.org/law-and->



hundreds and thousands of people will be left with no water, which means no way to sanitize themselves and their place which is the basic requirement for stopping the spread of this disease. Rules 15 and 54 ICRC CIHL Study clearly states that IHL prohibits attacking or destroying any objects which are meant for human survival which includes installations of drinking water also and constant care must be taken during military operations to spare these important objects.

### Humanitarian relief<sup>6</sup>

Humanitarian action in countries affected by armed conflicts and wars is crucial in saving lives throughout the current crisis. Under Rules 55, 56 ICRC CIHL of international humanitarian law, each party associated to armed conflict bears the first responsibility to satisfy the essential desires of the population under its control. Impartial humanitarian organizations like the ICRC have the proper right to supply their services. Once relief schemes are agreed by the parties involved, the parties to the armed conflict and third States shall permit and facilitate the fast and unimpeded passage of the humanitarian relief subject to their right of control (e.g. by adjusting any pandemic-related movement restrictions to allow victims to access humanitarian goods and services).

Sanctions regimes and other restrictive measures.

The COVID-19 outbreak requires the mobilization of significant humanitarian resources, at present, that often lack in War hit countries. Sanctions and other restrictive

measures currently can impede impartial humanitarian action in these regions, to the detriment of the most vulnerable and endangered. Sanctions, regimes and other precautionary measures that hinder Unbiased humanitarian organizations, such as the ICRC, from carrying out their exclusively humanitarian activities in a significant manner are incompatible with the letter and the spirit of international humanitarian law. States and international organizations that enforce such measures should confirm that they are parallel to international humanitarian law and do not have a grievous impact on the principal humanitarian response to COVID-19. They must devise effective mitigation measures such as humanitarian exemptions which benefit the impartial humanitarian organizations.

### Persons specifically at risk<sup>7</sup>

People with old age or disabilities or vulnerable to diseases or medical history have lower immune as compared to others. Transients, shelter searchers, and exiles are especially vulnerable to episodes of COVID-19 because they are open to harsh environments and are also restricted from accessing fundamental administrations like medicinal services. Rules 109, 110 and 138 ICRC CIHL Study states that IHL provides aid to wounded and sick people and evacuates them and proper medical care help and care is provided.

### Internally displaced persons, migrants, asylum seekers, and refugees<sup>8</sup>

and IDPs: Part 2 – Syria and Bangladesh, Justice Security, (April 9, 2020), <https://www.justsecurity.org/69570/covid-19-and-humanitarian-access-for-refugees-and-idps-part-2-syria-and-bangladesh/>.

policy/2020/04/16/covid-19-response-respect-international-humanitarian-law/.

<sup>6</sup> Supra Note 2.

<sup>7</sup> Supra Note 2.

<sup>8</sup> *Rebecca Blumenthal and Catriona Murdoch*, COVID-19 and Humanitarian Access for Refugees



People who are certainly at risk for severe illness, if infected by COVID-19 are older persons, those who have a weak immune system, and those with pre-existing health conditions. Other people, especially people with disabilities, may have to deal with different barriers such as communication, physical discomfort, etc. in accessing required health-care services as well as difficulties in implementing the required hygienic measures to prevent infection. For example, social distancing could be not possible for those people who completely rely on the support of others for everyday tasks. It is required by International Humanitarian Laws to respect and protect wounded and sick persons, in addition to taking all possible measures to search for them and evacuate them without discrimination as soon as humanly possible. It is required that they receive assistance with the least possible delay that is required by their condition without discrimination. In addition to this, International Humanitarian Law provisions afford specific protection to older persons and persons with disabilities who are affected by armed conflict.

### **Detainees<sup>9</sup>**

We all are aware of the living conditions of the detainees. Their place of living is overcrowded, has poor or no hygiene, and lacks ventilation which becomes a huge challenge for the people there because all these conditions are not favorable for diseases like Covid-19 as this condition will make them more vulnerable. Under Rules 118 and 121 ICRC CIHL Study, it is clearly given that IHL should provide help to detainees' health and hygiene and it must be safeguarded, also sick detainees must receive

the required medical aid and care at the specific time.

### **CHALLENGES AND REALITY**

Mental Torture, physical agony and a never-ending hope to return are some of the aspects that a war prisoner faces after his captivity. But the possibility of complete hospitable environment can't be ruled out altogether. But this brings us to a question that why are these people met with such fate despite the provisions of the Geneva Convention and if there exist any loopholes what can be the remedies to it.

Detailed observations led us to the following conclusions for **violation ideology**:

No declaration of war: Fearing the notoriety in the UN, every country in the world that is fighting a war with its neighbouring country without declaring it to be a war. Resultantly, the prisoners who get detained in tussle never get the status of POWs and hence no rights. They are entitled as spies and met their fate.

The drafts, simple yet incomplete: The convention defines POWs and their right but lacks a system of checks and balances. There is no authorised body to check into the effective implementation of these provisions specially during the time of war.

Internal loopholes: No authority in the world can ever be forgiven for misleading and wrong information in regard to its people. The situation gains highlight in Journalist Chander Suta Dogra's book 'Missing in Action: the prisoners who did not come back' where he writes "It is likely that the CO realized that Maj. Suri had gone missing due to errors made at his end; if the truth ever came out, his own leadership and performance would be questioned".

<sup>9</sup> *Emily Camins*, The value of international humanitarian law in the time of COVID-19, Australian

Red Cross, <https://www.redcross.org.au/stories/ihl-blog/ihl-and-covid-19>.



All these factors lead to the atrocities, some of which are as discussed:

**Cannibalism:** It was in 1946 that a Japanese Lieutenant Hisata Tomiyasu was sentenced to death for this heinous crime. Reportedly no such instance has gained highlight after that. Not because it never happened but because it becomes easier to hide a crime.

**Mutilation:** The horrifying instance of Captain Saurabh Kalia and five other soldiers - Sepoys Arjun Ram, Bhanwar Lal Bagaria, Bhika Ram, Moola Ram and Naresh Singh who were tortured while in Pakistan's custody. Worth remembering that their mutilated bodies were handed over to India after 15 days<sup>10</sup>.

**Mental agony:** The harrowing experience of 3,000 POW is a proof that how some of the wounds go unattended. All POW recounted that one of the worst aspects of their captivity in Tibet was the constant attempt at brainwashing by Chinese Communist propaganda.<sup>11</sup> Proving how it is not only the physical torture that matters a living.

**Physical torture:** "All that a prisoner is expected to reveal are his name and his service number and not any more than that" despite clear mentions the war enemies torture and starve the POW to spread dominance.

## **CONCLUSION**

The objective of international humanitarian law is to limit the suffering caused by warfare and to alleviate its effects. Its rules are the results of a fragile balance between the exigencies of warfare ("military necessity") on the one hand and therefore the laws of humanity on the opposite. Humanitarian law

may be a sensitive matter and it suffers no tampering. It must be respected altogether circumstances, for the sake of the survival of human values and, very often, for the sheer necessity of protecting life. Each and each one among us can do something to market greater understanding of its main goals and fundamental principles, thereby paving the way for better respect for them. Better respect for humanitarian law by all States and every one parties to armed conflicts will do much to assist create a more humane world.

Conclusively it can be stated that Geneva Convention although much ahead of its time fails to tackle the new forms of atrocities that are laid on the POW. These lackadaisical methods of punishment and lip services do not work anymore because with strengthening ties of the world peace, the roots of hidden and more heinous forms of crimes are mushrooming. Thus, there arises-

- A need of body for check and balances,
- A forced implementation of rules by signatories,
- A determined judiciary to check all violations,
- Rehabilitation policies and
- An upgraded set of rules to incorporate what is left behind and will follow in the years to come.

COVID-19 represents a dramatic new threat to life in war-torn countries. International humanitarian law (IHL) provides an important legal framework that gives crucial safeguards to people suffering from armed conflicts. This overview summarizes a number of the important provisions of IHL which will be particularly relevant during the COVID-19 pandemic. Highlighting rights

<sup>10</sup> Theja Ram *explainer: what the Geneva Convention says about the treatment of Prisoners of war* The news Minute on 16 July 2020 at 3pm at <https://www.thenewsminute.com>.

<sup>11</sup> Claude Arpi *Exclusive! How China released Indian Troops after the 1962 war* [rediff.com](https://www.rediff.com) 16 July 2020 at 1 pm at <https://www.rediff.com>.



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from Adequately staffed and well-equipped medical facilities to Water supply facilities, rights of a group of people, including older persons, those who have weakened immune systems, or those with pre-existing health conditions, are at particular risk for severe illness if infected by COVID-19, rights of poor Detention facilities, Internally displaced persons, migrants, asylum seekers, and refugees are particularly exposed to outbreaks of COVID-19. IHL has acted as a Conveyor in leading the countries to take Humanitarian action which is essential in saving lives during the ongoing crisis.

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